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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,381	03/04/2002	John Cook	30222/83:9 US	8204

26263 7590 01/19/2005

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EXAMINER	
NAKARANI, DHIRAJLAL S	
ART UNIT	**PAPER NUMBER**
1773	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,381	COOK ET AL.	
	Examiner	Art Unit	
	D. S. NAKARANI	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13,24-36 and 38-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13,24-36 and 38-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 14, 2004 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for the limitation "copolymer of propylene and ethylene having an ethylene content of greater than 0% by weight and less than about 10% by weight". The specification as filed provides support for propylene-ethylene copolymer having ethylene content from about 2 wt% to about 10 wt%. The specification as originally filed does not support exclusion of "about 10 wt%" ethylene from propylene-ethylene copolymer. The limitation "less than about 10 wt% ethylene content" exclude "about 10

wt%" ethylene content which is not supported by the originally filed specification. Also there is no numerical support for the ethylene content greater than 0 wt% to about 2 wt%. The specification provides numerical support for about 2 wt% as a lower limit.

4. Claims 1, 3-13, 56 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4, the phrase "less than about 10% by weight" renders claims indefinite. It is not clear from this limitation which amount of ethylene is excluded. The limitation "less than 10 wt%" means 10 wt% is excluded. The limitation "about 10 wt% means little more than or less than 10 wt% is included. Therefore the limitation "less than about 10 wt%" does not set forth meets and bounds of the claims.

Claim 56, line 3, the phrase "C_3-C_{10} α-olefins" renders claim indefinite. How propylene monomer differs from C_3 α-olefin? Clarification and/or correction requested.

Claim 57, line 1, the phrase "said monomer" lacks clear antecedent basis. No monomer has been previously recited. Therefore limitation cannot be understood.

5. Claims 1, 3-13, 24-36 and 38-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al (U. S. Patent 5,955,205) in view of Koch et al (U.S. Patent 5,399,426) and Dohrer (U.S. Patent 5,208,096).

Ramsey et al disclose a stretch cling film comprising cling (or reverse) layer A, core layer B and non-cling (or obverse) layer C. The polymer of cling layer comprises

ultra low-density polyethylene having density less than 0.915 (column 4, lines 16-21) and non-cling layer comprising polypropylene such as PP4062 of Exxon Chemical Company (Table 2, PP, Examples 2, 3, 5 and 6-8; Tables 3 and 5). The core layer is made of linear low-density polyethylene. The total thickness of the multi-layer film is from about 0.4 to about 20 mils (i.e. 40 to 2000 gauge since 100 gauge = 1 mil). The claimed thickness range falls within Ramsey et al's disclosed thickness range. Ramsey et al fail to disclose a core layer made of a blend of linear low density polyethylene and low density polyethylene and non-cling layer comprising a copolymer of propylene and ethylene having ethylene content greater than 0 wt% and less than about 10 wt %. Ramsey et al. also disclose unstretched cling force and 200% stretched cling force (Tables 4 and 6). Ramsey et al do not disclose specific claimed cling force in claim 28. Ramsey et al's blend of SLEP 3 and SLEP 1 meets claimed blend of Ultra low density polyethylene and plastomer because the plastomer as disclosed in the instant disclosure at page 6 paragraph 0024 and property SLEP falls within the disclosed property of plastomer.

Koch et al disclose a stretch wrap film having a core made of a blend of linear low-density polyethylene and low-density polyethylene or ethylene vinyl acetate copolymer. Koch et al disclose mixing ratio of linear low-density polyethylene to low-density polyethylene or to ethylene vinyl acetate copolymer from about 5:1 to 33:1 (column 4, lines 3-8). Koch et al disclose that addition of low-density polyethylene in the core layer increase ultimate elongations. Koch et al's three-layer film has thickness of 20 microns (i.e. 79 gauge based on 100 gauge = 1 mil and 1 mil = 25.4 microns). Koch

et al also disclose thickness of the three layer film is from about 0.3 to about 10 mils (30 gauge to 1000 gauge), especially from about 0.15 mils to about 1.2 mils (i.e. 15 gauge to 120 gauge) (column 5, lines 8-13). Thus Koch et al's film thicknesses also include claimed film thicknesses.

Dohrer discloses single sided cling stretch film comprising cling layer A, core layer B and cling free (i.e. non-cling) layer C. The layer C comprises a propylene homopolymer or copolymer (Examples 13 and 15). Dohrer discloses polypropylene homopolymer such as PP 4062 of Exxon Chemical Co. and propylene/ethylene copolymer such is PP7C49 of Shell Chemical Co. for cling free layer C (Table under cols. 5 and 6 continued under cols. 7 and 8). Thus Dohrer discloses equivalent use of propylene homopolymer and copolymers. Dohrer also suggest amount of alpha olefin from 0.5 to 20-wt%, most preferably less than 5 wt% (col. 2 lines 48-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosures of Koch et al and Dohrer in the invention of Ramsey et al to add low density polyethylene or ethylene vinyl acetate copolymer to linear low density polyethylene to form core layer to increase ultimate elongation of the film. Koch et al suggests addition of about 3 wt% low-density polyethylene (Example 5) and use propylene homopolymer or copolymer as non-cling layer as taught by Dohrer. All other claimed properties specifically not disclosed by Ramsey et al. are deemed to be within skill of the ordinary skill in the art to optimize for the given application.

No claims are allowed.

6. Applicant's arguments with respect to claims 1, 3-13 and 24-60 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday thru Friday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nakarani/LR
January 13, 2005

D. S. NAKARANI
PRIMARY EXAMINER